

**PATENT**

Amendment dated February 10, 2004  
Reply to Office Action of August 10, 2004

Thought, Inc. Attorney Docket No.: 0036-022A  
Serial No. 09/987,489

**REMARKS**

In the telephonic interview conducted on March 14, 2005, the Examiner indicated that the subject matter of previously rejected claims 1-4 (claims 16-19) would be allowable if the subject matter of either claim 21 or claim 22 were incorporated into main claim 16. Original claims 5-15 were never rejected over prior art or under 35 U.S.C. § 112, however the Examiner has now suggested that the claims corresponding to claims 5-15 (21-30) be clarified to more clearly define the computer implemented software merely to expedite the prosecution.

In the telephonic interview, the Examiner has objected to claims, rejected claims, or indicated allowable subject matter as follows:

1. Claims 16-19, were rejected under 35 U.S.C. § 103, as being obvious over Lindsay et al. (U.S. Patent No. 6,754,670 and Lindsay hereinafter).

2. The provisional rejection of claims 1-15 (corresponding to claims 16-30) under 35 U.S.C. § 101 based upon double patenting as claiming the same invention as claims 1-15 of later filed co-pending Application No. 10/430,004 has been removed.

3. The provisional rejection of claims 1-15 (corresponding to claims 16-30) under 35 U.S.C. § 101 based upon obvious type double patenting over Claims 1-18 of later filed co-pending Application No. 10/396,216 has also been removed.

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4. The Examiner has suggested during the telephonic interview of March 14, 2005 that Claims 20-30 (corresponding to original Claims 5-15 that were never rejected) might be better presented by clarifying that the computer system utilizes at least one computer implemented program and that the runtime repository can be utilized or accessed by a computer implemented program.

With the above amendment, Claims 16-30 (all of the prior claims) have been canceled without prejudice, and new Claims 31-42 have been added that correspond to the amended subject matter of cancelled claims. Claims 31-34 correspond to cancelled claims 16-19 and incorporate the language of claims 21 or 22. Claim 36-42 have been clarified regarding the computer systems utilizing at least one computer implemented program and that the runtime repository can be utilized or accessed by a computer implemented program. Such amendments are made to expedite the prosecution of this case, only. Applicant reserves the right to assert the deleted or canceled subject matter in this case, or in a continuing application. Reconsideration of this subject matter is respectfully requested in view of the traversal of the prior art rejection included herein. After entry of the above amendment, Claims 31-42 are active in the case. The above rejections are addressed in part by the present amendments and are otherwise traversed by the arguments that follow.

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**THE AMENDMENTS**

New base claim 31 has been amended to clarify that the claimed computer system comprises at least one computer implemented program and a “runtime respository” that is truly independent of software applications which delegate data source access to it, and to clarify that the applications delegating data source access to the runtime repository do not need to include any data source access mechanism classes within applications themselves. In addition, applicant has included either the elements of claim 21 or of claim 22 within the main claim as suggested by the Examiner during the telephonic interview of March 14, 2005.

That at least one computer implemented program is present in the computer is evident by the definitions of “delegation” and “non-delegation” of database access at paragraphs 99 and 100 of this application as published on July 11, 2002. Delegation requires a computer implemented program to delegate database access to the runtime repository. These definitions which are incorporated within the present claims clearly define non-delegation database access as where an object or programming application includes specific code imbedded in the application which directly controls database calls and the generation of SQL strings.

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In this respect, new claims 31-34 explicitly indicate that at least one computer implement program is utilized by the computer system. As such, all of the rejections and objections of record are believed to be overcome with respect to new claims 31-34. New Claims 35-42 also clearly indicate that the computer systems of the computer system claims include a computer implemented program, and that the runtime repository claims are claiming a repository that is access or utilized by at least one computer implemented program as suggested by the Examiner.

**THE 103 REJECTION UNDER LINDSAY.**

The Examiner continued in the interview to assert Lindsay, et al. (U.S. Patent 6,754,670, hereinafter Lindsay) against claims 16-19 under 35 U.S.C. § 103 as being obvious over Lindsay data source claims. Apparently, the Examiner pointed to supposed ambiguity with respect to whether the at least one computer implemented program was included within the computer system of Claim 16.

Applicant respectfully traverses this rejection in view of the above amendment with respect to new claims 16-19, and further in view of the fact that Lindsay did not teach or suggest original claims 1-4 or new claims 16-19 with respect to a computer system including at least one computer implemented program where data source

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access is truly delegated to an independent repository by object applications (which applications are “at least one computer implemented program” instead of having data source access mechanism classes being included within classes of the applications themselves.

More particularly, as described by the Examiner on pages 4 and 5, and described on pages 5 and 6 of Lindsay, the system provided by Lindsay is not a data source access delegation system independent of the application. Instead, Lindsay provides skeleton data base access classes and SQL generation classes built by a sophisticated object programmer for a particular data source that can be used by a less sophisticated object programmer for that programmer to incorporate such classes into a application itself as a logic module classes (see particularly in the paragraph bridging pages 5 and 6 of Lindsay).

The less sophisticated programmer of Lindsay does not need to understand the specific logic of the classes. But the incorporated classes that are developed by other more sophisticated object programmers who understand the data source schema and SQL logic are classes that are specifically for a data source schema and the author of these database access classes will need to both understand the data

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source and to maintain the classes if the data source schema is changed. Thus, the Lindsay system does not delegate such functions as claimed herein.

By contrast, the present system truly delegates data source access to a repository at runtime repository without the need for any data source mechanism classes being within the application itself. Thus, the runtime repository can be changed or the data source changed in the present system and the application classes do not need to be changed. In fact, the same application can seamlessly access multiple data sources through the present repository without being aware of the data source itself. Such settings and access can be handled entirely by the runtime repository in the system.

Unlike the present system, the Lindsay classes within an application itself will need to be modified to work with a different data source by the provider of the classes. Also, the applications that incorporate the Lindsay classes are not portable to a new data source or useful with multiple data sources simultaneously without modification of the application data source mechanism classes within the application itself.

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Thus, Lindsay describes a tool that programmers can use to develop applications that have data source access mechanisms imbedded within the applications. Lindsay does not teach a computer system that delegates data source access to an independent runtime repository.

Accordingly, this ground of rejection should be withdrawn.

Moreover, since there is no ancillary reference cited that would teach the equivalence of the Lindsay system to the presently claimed system, the present claims are also not obvious over the Lindsay disclosure.

**THE EXAMINER'S REQUEST FOR CLAIMS CLARIFICATION**

As indicated above, the clarifying language suggested by the Examiner for claims 23-30 (now 36-42) has been implemented to expedite the prosecution of the application. Accordingly, new claims 36-42 are also believed to be in condition for allowance. Such is urged.

**CONCLUSION**

Accordingly, applicant respectfully submits that the above objections and rejections have been overcome, and should be withdrawn. In view of the

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amendments (including corrections of informalities) and remarks, the present application is believed to be in condition for allowance. Based upon the aforementioned comments and amendments, it is urged that the claims are in condition for allowance, as is the remainder of the subject patent application. Favorable reconsideration is respectfully requested.

Should the Examiner have any questions, comments, or suggestions, or should issues remain, he is respectfully requested to contact the undersigned by telephone for a prompt and satisfactory resolution.

Respectfully submitted,  
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